

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

DEMUS RICH and wife,
MELBA RICH, individually and as
Executors of the Estate of
GARY BRIAN RICH, deceased,

Plaintiffs,

vs.

No. 1-02-1222-T
JURY DEMANDED

CITY OF SAVANNAH, TENNESSEE, *et al.*

Defendants.

PLAINTIFFS' REQUEST FOR ORAL ARGUMENT ON 1) MOTION TO DISMISS
OR FOR SUMMARY JUDGMENT FILED BY DEFENDANTS CITY OF SAVANNAH
AND OFFICERS SUED IN THE OFFICIAL CAPACITY; 2) MOTION FOR SUMMARY
JUDGMENT FILED BY DEFENDANT DONALD DERR; AND 3) MOTION FOR
PARTIAL SUMMARY JUDGMENT FILED BY INDIVIDUAL OFFICERS

COME NOW the Plaintiffs, by and through their attorney of record and pursuant to Local Rule 7.2(c) and hereby request oral argument on the 1) Motion to Dismiss Or for Summary Judgment Filed by Defendants City of Savannah And Officers Sued in the Official Capacity; 2) Motion for Summary Judgment Filed by Defendant Donald Derr; and 3) Motion for Partial Summary Judgment Filed by Individual Officers and in support thereof would respectfully state as follows:

1. On April 15, 2005, the City of Savannah and the officers sued in their official capacity filed a Motion to Dismiss or for Summary Judgment which contains over 171 separate material facts.

MOTION DENIED

DATE: 9 June 2005

James D. Todd
James D. Todd
U.S. District Judge

This document entered on the docket sheet in compliance
with Rule 58 and/or 79 (a) FRCP on 6/10/05

FILED BY S.D.C.

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ROBERT R. DETROIT
CLERK OF U.S. DISTRICT COURT
W.D. OF TN - JACKSON

2. On April 15, 2005, Defendants Donald Derr filed a Motion for Summary Judgment which incorporates by reference the statement of material facts filed by Defendant City of Savannah and contains an additional 72 material facts.

3. On April 15, 2005, the Individual Defendants filed a Motion for Summary Judgment which incorporates by reference the statement of material facts filed by Defendant City of Savannah and contains an additional 20 material facts.

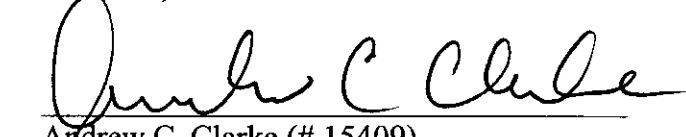
4. In response to these Motions, the Plaintiffs filed the following: 1) Plaintiffs' Response to Statement of Material Facts submitted by Defendants City of Savannah and the Individual Defendants Sued in their Official Capacity; 2) Plaintiffs' Response to Motion for Summary Judgment filed by Defendants City of Savannah and the Individual Defendants Sued in their Official Capacity; 3) Plaintiffs' Response to Statement of Material Facts Submitted by Defendants Donald Derr; 4) Plaintiffs' Response to Motion for Summary Judgment of Defendants Donald Derr; 5) Plaintiffs Response to Motion for Partial Summary Judgment filed by Defendants Kelly, Phelps, Hosea, Cherry, Snelling, Barker and Sylvester; 6) Plaintiffs' Statement of Additional Material Facts to be Considered in Ruling on Motions to Dismiss, for Partial Summary Judgment and for Summary Judgment filed by All Defendants; and 7) Plaintiffs' Notice of Filing of Documents and Things in Opposition to All Motions to Dismiss, Motions for Partial Summary Judgment and Motions for Summary Judgment filed by Defendants.

5. As can be seen by the documents listed herein, the summary judgment record in this matter is voluminous. Plaintiffs submit that oral argument will substantially assist this Honorable Court in ruling on said motions.

WHEREFORE, PREMISES CONSIDERED, the Plaintiffs respectfully request that this Honorable Court schedule for oral argument the following motions: 1) Motion to Dismiss Or for Summary Judgment Filed by Defendants City of Savannah And Officers Sued in the Official Capacity; 2) Motion for Summary Judgment Filed by Defendant Donald Derr; and 3) Motion for Partial Summary Judgment Filed by Individual Officers and for all such further relief, both general and specific, to which they may be entitled under the premises.

Respectfully submitted,

BAILEY, CLARKE & BENFIELD


Andrew C. Clarke (# 15409)
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CERTIFICATE OF SERVICE

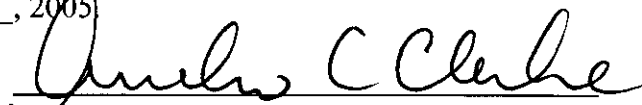
I, Andrew C. Clarke, do hereby certify that a true and correct copy of the foregoing document has been served upon the following via U.S. Mail, postage prepaid:

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This the 25th day of May, 2005


Andrew C. Clarke



Notice of Distribution

This notice confirms a copy of the document docketed as number 154 in case 1:02-CV-01222 was distributed by fax, mail, or direct printing on June 10, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT